IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

Criminal Application No.3036/2006 in Criminal Appeal No.241/2006

Office Notes, Office Memoranda of Coram, : Appearances, Court's orders or directions : Court's or Judge's orders and Registrar's orders.

Mr. R.B. Gaikwad, Advocate for the appellant,
Mr. D.B. Patel, APP for the respondent/State.

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CORAM : K. J. ROHEE &
C. L. PANGARKAR, JJ
DATED : SEPTEMBER 21, 2006

1. Heard the learned counsel for the appellant and the learned APP for the respondent/State.

2. The marriage between the appellant and Rekha had taken place about 10 years prior to the incident. She was issueless. Hence the appellant and Rekha adopted four children of Lata (the elder sister of Rekha). All the children were residing with the appellant and Rekha. On the fateful night of 31/5/2003 all the children were sleeping on the terrace of the house along with the appellant. In the midnight the appellant went to Police Station, Ajni and informed the police that he killed his wife Rekha.

3. According to the learned counsel for the appellant, except the report which is self inculpatory lodged by the appellant, there is no other evidence to

connect the appellant with the murder of his wife Rekha. The impugned judgment however shows that besides this there is a chain of circumstances which led to the only inference that the appellant is involved in the murder of his wife Rekha.

4. It may be noted that blood stains were found on the clothes of the appellant. The blood group of Rekha was 'A', so also the blood group of the stains of blood found on the clothes of the appellant was also 'A'. It is important to note that the appellant did not explain as to how blood stains were found on his clothes when he was having no injury.

5. It was observed by the trial Court that the appellant raised improbable defence that Ramesh Sharma (the paramour of his wife Rekha) might have killed her and that he has been falsely implicated. It may be noted that the incident took place in the midnight when Rekha and the appellant were at house. It is improbable that anybody else would intrude the house and commit such an act. Thus we find that there are no grounds to grant bail to the appellant. The application is, therefore, rejected.

JUDGE **JUDGE**

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